Supreme Court, U.S.
FILED

001461 MAR 2 1 2001

OFFICE OF THE CLERK

No. _____

In the

Supreme Court of the United States
October Term, 1999

In re: John K. Thompson
Petitioner, Pro Per, Sui Juris

V.

Wallace P. Carson Jr.
In The United States District Court
For The Western District of Oregon
Case Dist CT SC S47120
Respondent,

PETITION FOR A WRIT OF COMMON LAW CERTIORARI

John K. Thompson-Petitioner, Pro Per, Sui Juris
Fourth Judicial District
12160 SW Grant
Tigard, Oregon
[No ZIP Code!]
(503) 8802585

Hall

QUESTIONS PRESENTED

1.) Whether, the Supreme Court of the United States is a Judicial Court?

2.) Whether, the United States District Court is a Judicial Court?

3.) Whether, the United State Circuit Court of Appeals is a Judicial Court?

4.) Whether, the Supreme Court of the United States, under the Supreme Court's Appellate jurisdiction, can take jurisdiction of an appeal from an Order or Judgment of a non-judicial Court?

5.) Whether, the Rules of the Supreme Court, under Title 28 United States Code, bar the Supreme Court exercising the Court's Appellate jurisdiction?

6.) Whether, the Chief Judge of the United States District Court for the Western District of Oregon can bar a Citizen of the Republic of Oregon from filing in a Judicial Court?

7.) Whether, the Governor in and for the State of Oregon can form a martial rule agency that the Constitution for the State of Oregon does not give the Governor the authority to form?.

8.) Whether Chief Justice Carson of the Supreme Court in and for the State of Oregon has the authority or right to form and or allow any courts to deprive State Citizens of their liberty without Judicial due process regardless of that citizens age?.

9.) Whether Chief Justice Carson of the Supreme Court in and for the State of Oregon has the authority or right to form/ and or allow the common-law to be removed from the judicial process in and for the State of Oregon?.

10.) Whether the Legislative Assembly in and for the State of Oregon has the right to in act Statutes that abrogate the Common-Law Which is protected by the first ten amendments to the Federal Constitution?.

11.) Whether the Secretary of State in and for the State of Oregon has the right to print the Original Article VII in the Oregon Blue Book 1999-2000 page 374, when the before mentioned article is not recognized by the Supreme Court in and for the State of Oregon .

12) Whether the Appeals Court in and for the State of Oregon , possess the full judicial power that the Supreme Court of the United States, under the Supreme Court's Appellate jurisdiction, can take jurisdiction of an appeal from an Order or Judgment of a non-judicial Court?

PARTIES TO THE PROCEEDINGS

The petitioner is

John K. Thompson., Pro Per, Sui Juis.

The respondents : Phillip M. Bender, Assistant Attorney General, Bar# 97214, Trial Attorney of Attorneys for Respondents 1162 Court Street NE., Salem, Oregon 97310- Phone No. (503) 378-6313

STATE OF OREGON, represented by acting Governor John Kitzhaber; Wallace Carson, Oregon Supreme Court chief Justice; Charles E. Luukenin, Circuit Court Judge, Polk County, in and for the State of Oregon; William L. Horner Circuit Court Judge, Polk County in and for the State of Oregon: Larry T. Coady. Circuit Court Judge, Polk County in and for the State of Oregon; Karen Robinson, State of Offices for Services to Children and Families (caseworker): Sue Ball, State Office for Services to Children and Families caseworker).....

TABLE OF CONTENTS

QUESTION PRESENTED..... i-iii

PARTIES..... iv

TABLE OF CONTENTS..... v-vii

TABLE OF AUTHORITIES..... viii

OPINIONS BELOW..... 7

JURISDICTION..... 1- 4

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED..... 5

STATEMENT OF CASE 6

REASON FOR GRANTING THE PETITION 9

1. THE SUPREME COURT DECISION CONFLICTS WITH COMMON-LAW, STATE OF OREGON CONSTITUTION OF 1859, AND THE UNITED STATES CONSTITUTION..... 9

A. Adequate relief cannot be obtained in any other form or in any other court (20.1)..... 11

B. Exceptional circumstances warrant the exercise of the Court's discretionary powers..... 2

C. How the Writ will be in aid of the Courts appellate jurisdiction..... 1

CONCLUSION..... 12

INDEX OF APPENDICES

A. ORDER FOR Emergency Writ of Habeas Corpus signed into effect on 4th day of August 1999, by the Honorable Judge Louis J. Fasano, Circuit Court Judge in Polk, County In and for the State of Oregon.....App1

B. Writ of Emergency habeas Corpus signed into effect 4 day of August, 1999 by the Honorable Judge Louis J, Fasano..... App II

C. Order & Judgment denying "Emergency Petition for Writ of Habeas Corpus" and Money Judgment Pursuant to ORCP 70A..... App III

D. JUDGEMENT of the False Return to a Writ of Habeas Corpus that was Dismissed by the Circuit Court in and for Polk, County.....App IV

E. ORDER OF DISMISSAL By Chief Justice Carson. Jr..... App V

TABLE OF AUTHORITIES

Cases:

Gordon v. United States, (1885), 117 U.S. 697..... 12,13

Graham v Asbury, 112 Ariz. 184, 540 P. 2d 656, 658 9

May v City of Kearney, 145 Neb 475, 17 N.W. 2d 10

CONSTITUTIONAL PROVISIONS;
Constitution for the United States of America, Oregon Constitution 5

Article III, 1 ..... 1, 3,,5,6,11
Article III, 2 1,3,5,6,11

Article V.....9

FIRST CONGRESS, Sess 1, Ch. 20, section 1, United States Statutes At Large, Vol. 1, page 73,

(Sept.14,1789)..... 1,4,10,13

FIRST CONGRESS, Sess 1, Ch. 20
Section 342, (Sept. 24, 1789)..... 10,13

Judiciary Act of June 25, 1948, 62 Stat. 80th CONG., 2d Sess., CH. 646, section 1651(a) [known as the All Writs Act] 4

Judiciary Act of 1991, SIXTY-FIRST CONGRESS,.....13

Sess. III, Ch. 231, section 289, page 1167..... .11

Oregon Constitution, Article VII Original.....6,7

Oregon Constitution, Article VII, (amended) 6,7,8

Supreme Court Rule 20 3

Miscellaneous:

Chapp XX.....2 ,10

Black's Law Dictionary, 5th Ed., (1979), P. 494, Title: "Estoppel".....10

PETITION FOR A WRIT OF COMMON-LAW CERTIORARI HOW THE WRIT WILL BE IN AID OF THE COURTS APPELLATE JURISDICTION

The instant Petition for a Writ of common-law Certiorari raises a question rudimentary to whether a Supreme Court judge setting in Marion County, in the Republic of Oregon, can bar Petitioner from filing directed to the Supreme Court for the State of Oregon enacted by Congress as a Judicial Court, thereby creating an estoppel to the Federal Supreme Court accessing this Courts appellate jurisdiction, as authorized by Article III, section 2 of the Constitution for the United States.

John Kevin Thompson (hereafter Petitioner), on or about Jan 3, 1999 filed through the Clerk of the Supreme Court in and for the State of Oregon a Motion for stay pending appeal of order of dismissal filed in a Common-law Writ of Habeas Corpus, that was filed in an inferior judicial court authorized by "Article" III, section 1 of the Constitution for the United States and enacted by the Act of Congress of September 14, 1789, FIRST CONGRESS, sess. I, Ch. 20, section (a) (3), United States Statutes At Large, Vol. I, page 73.

Chapp XX.–An Act to establish the Judicial Courts of the United States, Section 2. "And be it further enacted, That the United States shall be, and they hereby are divided into thirteen districts..."

B. Exceptional circumstance warrant the exercise of the Court's discretionary powers Petitioner request this Court take judicial notice of the court caption in case number SC S47120, to wit:

IN THE SUPREME COURT
SETTING IN MARION COUNTY
AT SALEM
IN THE REPUBLIC OF OREGON

Petitioner filed Petitioner's Petition for appeal of a (common-law) Writ of Habeas Corpus to the Supreme Court under the aforesaid Acts as a Judicial Court exercising jurisdiction in a United States Judicial District, an inferior Judicial Court to the Supreme Court. The Clerk of the Supreme Court setting in the Republic of Oregon demanded a fee of $120.00 dollars and said fee was paid in full. (No receipt was given)

Petitioner further requests under the Rules of the Supreme Court, Rule 20, that exceptional circumstances warranting the exercise of this Court's discretionary powers are warranted, and that Petitioner cannot seek adequate relief in any other form or from any other Judicial Court.

Petitioner is appealing the aforesaid orders issued by the Chief Justice Wallace P. Carson, JR of the Supreme Court as the Courts of Appeals is in want of jurisdiction, because jurisdiction of the aforesaid Petition and Motion for Stay were filed in the Supreme Court, which has jurisdiction of said common law Petition and Motion for Stay.

Petitioner is being estoppeled by the aforesaid orders from accessing the District Court in Case number SC S 47120, thereby creating an estoppel to the Supreme Court's appellate jurisdiction, a granted jurisdiction by Article III, section 2 of the Constitution for the United States to be exercised by the Supreme Court of the United States. These aforesaid orders would be in contempt of Article III, section 2 of the Constitution of the United States.

JURISDICTION

The jurisdiction of The Supreme Court of the United States is invoked pursuant to Article III, sections 1 and 2 of the Constitution for the United States, Pursuant to section 1, the Supreme Court is a Court authorized by the Constitution and enacted by the Act of Congress of September 14, 1789, FIRST CONGRESS, Session I, Ch. 20, section 1, United States Statutes At Large, Vol. I, page 73, a Court vested with the judicial power of the United States, a Judicial Court.

Pursuant to section 2; "The judicial power shall extend to all Cases, in Law.....arising under this Constitution and the Laws of the United States...to Controversies to which the United States shall be a party.... In all other cases before mentioned, the Supreme Court shall have appellate jurisdiction..." This Courts jurisdiction is further invoked by the JUDICIARY ACT OF June 25, 1948, 62 Stat. 80th CONG., 2d Sess., CH. 646, section 165, section 1651 (a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Article III, Sections 1 and 2 to the Constitution for the United States of America:

Section 1; "The judicial Power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish..."

Section 2; "The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States.... to Controversies to which the United States shall be a Party..... In all other cases before mentioned, the Supreme Court shall have appellate jurisdiction "Judiciary Act of June 25, 1948, 62 Stat., 80 CONG., 2d SESS. CH646, 1651 (a);

"(a) The Supreme Court and all courts established by Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions agreeable to the usages and principles of law."

STATEMENT OF THE CASE

On or about August 4, 1999, Petitioner filed a common-law Writ of Habeas Corpus in the Circuit Court, Polk County, in and for the State of Oregon Pursuant to Article III, section 1 Constitution for the United States of America; and, Pursuant to Article VII "(Original)" of the Oregon Constitution, which is printed in the Blue Book by the Secretary of State in and for the State of Oregon.

On August 4, 1999, The Honorable Louis J. Fasano signed said Common-Law Writ.

On August 12, 1999 Circuit Court Judge Larry Coady , took jurisdiction of said Writ into Article VII "(amended)" Court; and DENIED Petitioner's Petition for Common-Law Writ of Habeas Corpus which was signed into effect into the " (Original)" Article VII Court by the Honorable Judge Louis J. Fasano.

Petitioner filed a False Return on Sept 16, 1999, appealing Judge Larry Coady's decision to which Judge Horner denied on November 18, 1999 said False Return .

On or about Jan 3, 2000 Petitioner filed through the Clerk of the Supreme Court, in and for the State of Oregon Petitioner's Objection to John Horner Denial of said False Return and, On or about January 19, 2000,

Chief Judge Wallace P. Carson, JR DENIED Petitioner's Motion for Stay Pending Appeal of Order of Dismissal Filed Stating Petitioner now appeals Chief Judge Wallace P. Carson Denied as moot.

(1) Appellants' filed their notice of appeal untimely under ORS 19.255 in that they filed their notice of appeal more than 30 days after the date of entry of the judgment in the trial court register;

(2) The Oregon Supreme Court recognizes the validity of the Oregon Constitution, Article VII (amended);

OPINION

(1) Common-Law has no time limitation, and ORS do not apply to a free white person, a natural person, and a State Citizen. Nor was Petitioner advised of his Lawfull remedies, time limitations or course of redress of grievances.

(2) By recognizing only Article VII (amended) the Supreme Court in and for the State of Oregon denies it's Citizens the right to Article VII (Original)

which is printed in the Oregon Blue Book page 374 By the Secretary of State in and for the State of Oregon, ... Article VII (Original) is written under Common-law...., Article VII (amended) is legislative statute.! The counterfeit "Amended VII" statutory provision was filed July 7, 1910, ... and placed alongside the Original Article VII, with the following "Note" inserted at the beginning of the Original Article VII Section.

"NOTE: Original Article VII, compiled below, has been supplanted in part by Amended Article VII and in part by statutes enacted by the Legislative Assembly. The provisions of "Original" Article VII relating to courts, jurisdiction and the judicial system, by the terms of section 2 of amended Article VII, are given the status of a statute and are subject to change by statutes enacted by the Legislative Assembly, except so far as changed by amended Article VII."

Said non-constitutional "statutes" can not be applied to a Free White Person, Natural Man, and a State Citizen who has never given up this right to his knowledge nor would Petitioner do so..

(3) The legislature properly adopted ORS 2.516 and that statute confers jurisdiction on the Court of Appeals of appeals from circuit court.

(A) Again ORS do not apply to a free white person, Natural Man, and a State Citizen,

(B) ORS. 516 creates an estoppel to the

Supreme Court of the United States as the Court of Appeals is not empowered with full Judicial Power nor can it be since it was created by the legislature. .

REASON FOR GRANTING THE PETITION

THE SUPREME COURT DECISION CONFLICTS WITH COMMON-LAW, STATE OF OREGON CONSTITUTION OF 1859, AND THE UNITED STATE CONSTITUTION

Petitioner, states that the failure to assign case number SC S47120 TO A SUPREME COURT ESTABLISHED AS A "Judicial" court would bar petitioner from enacting the appellate jurisdiction of the Supreme Court of the United States, which would be a violation of due process as established by the Fifth Article in Amendment to the Constitution for the United States.

"ESTOPPEL- Estoppel means that party is prevented by his own acts from claiming a right to detriment of other party who was entitled to rely on such conduct and has acted accordingly.

Grahm v. Asbury,112 Ariz. 184, 540 P. 2d 656, 658.***

Estoppel is a bar or impediment which precludes allegation or denial of a certain fact or state of facts, in consequence of a final adjudication of the matter in a court of law. It operates to put a party entitled to its benefits in same position as if the thing represented were true.

May v. City of Kearney, 145 Neb 475, 17

N.W. 2d 448, 458." Black's Law Dictionary, 5th Ed., (1979), 494, Title: "Estoppel."

If you have knowledge that a particular violation of constitutional limitations exists and fail to assert it,... it will deemed waived for all intents and purposes and that waiver will be the law of the case; in other words,

If Petitioner's jurisdictional claim has been adjudicated, the doctrine of resjudica applies, and Petitioner's appeal to the appellate jurisdiction of the Supreme Court would be deemed waived.

Petitioner seeks to preserve Petitioner's right to enact the appellate jurisdiction of the Supreme Court of the United States. The Supreme Court being a Judicial Court created by the Act of Congress of Sept. 14, 1789, FIRST CONGRESS, Sess. I, Ch. 20, United States Statutes At Large, Vol. I, Page, 73 Chap XX– An Act to establish the Judicial Courts of the United States,. Section 1. Be it enacted by the Senate and House of representatives of the United States of America in

Congress assembled, That the Supreme Court of the United States shall consist of a chief justice and five associate justices..."

A. ADEQUATE RELIEF CANNOT BE OBTAINED IN ANY OTHER FORM OR IN ANY OTHER Court (20.1)

The Supreme Court cannot proceed under the appellate jurisdiction from a judgment under the limited jurisdiction of the Court of Appeals for the State of Oregon., as the Appeals Court for the State of Oregon was created by the Legislature and therefore given limited jurisdiction and is not a "Judicial" Court. The Supreme Court of the United States can only accept appeals under the Supreme Court's appellate jurisdiction when a Motion, Appeal, Writ, or other process comes from a contested judgment of a inferior "Judicial Court" Petitioner is without remedy to compel the Respondents to do their ministerial duty herein complained of without creating an estoppel and waiver of any defenses in relation thereto. Petitioner would be denied access to the appellate jurisdiction of the Supreme Court should Petitioner be to have Petitioner's case heard under the non-judicial limited jurisdiction of the Appeals Court for the State of Oregon. Hereby. Establishing Petitioner's case outside of the provisions of Article III, section 2 of the Constitution for the United States..... " In all other cases before mentioned, the supreme court shall have appellate jurisdiction, both

as to law and fact,..."

This issue is clearly stated by the Supreme Court in Gordon v. United States, (1885), 117 U.S. 697.

> "...And Congress cannot extend the appellate power of this Court beyond the limits prescribed by the Constitution, ...or any other tribunal exercising only special powers under an act of Congress;. " Gordon v. United States, (1885), 117 U.S. 697."

The powers conferred by these acts of Congress upon the judge, as well as the Secretary, are, it is true, judicial in their nature. For judgment and discretion must be exercised by both of them. But it is nothing more than the power ordinarily given by law to a commissioner, ... A power of this description... But is not judicial in either case, in the sense in which judicial power is granted by the Constitution to the Courts of the United States, And it is very clear that this Court has no appellate power over these special tribunals, and cannot, under the Constitution, take jurisdiction of any decision, upon appeal, unless it was made by an inferior court, exercising independently the judicial power granted to the United States. It is

only from such Judicial decisions that appellate power is given to the Supreme Court.

" Gordon v. United States (1885), 117 U.S. 697."

It is clear that the United States District Court is not a "Judicial Court " and for Petitioner to seek process under the Jurisdiction of the United States District Court would create an "Estoppel" to Petitioner's enacting the appellate jurisdiction of the Supreme Court Petitioner can not appeal to the United States Circuit Court of Appeals as the Circuit Court under the Act of Congress of September 14, 1789, FIRST CONGRESS, Sess. I, Ch. 20, section 4, United States Statutes At Large, Vol. I, page 73 was enacted by Congress as a Judicial Court, but Congress under the Judiciary Act of 1991, SIXTY—FIRST CONGRESS, Sess. III, Ch. 231, section 289, page 1167 abolished this Judicial Court. "The circuit courts of the United States, upon the taking effect of this Act, shall be, and here by are, abolished;....." The Circuit Court of the United State, upon the taking effect of this Act, shall be, and hereby are abolished,...."

The United States Circuit Court of Appeals is not by Act of Congress established as a Judicial Court, and Petitioner would have the same jurisdictional bar appealing from the United States Circuit Court of Appeals as Petitioners Would have from the United States District Court to appeal under the appellate jurisdiction of the Supreme Court of the United States, from the

limited jurisdiction of a non-judicial Court such as the Appellate Court in and for the State of Oregon, or the United States Circuit Court of Appeals.

CONCLUSION

THEREFORE, Petitioner respectfully request having duly made application, verified by oath, this Court issue the instant "Writ of Common-Law Certiorari," and for an Order directing the Chief Judge of the Supreme Court in and for the State of Oregon to Wallace P. Carson, to re-assign case number SC S47120 to the Supreme court enacted as a Judicial Court by the aforesaid Acts of Congress.

DATED this 15th day of April, in the Year of our Lord and Savior, Jesus the Christ, Two Thousand.

(SEAL)

John K. Thompson

John K. Thompson
12160 SW Grant
Tigard, Oregon

In the Supreme Court of the United States
October Term, 1999

In re:
John K. Thompson.,
Petitioner,

CASE
NO._____

v.

Supreme Court. #/SC S47120
Supreme Court in and for
the State of Oregon
Respondent,
UNITED STATES OF AMERICA,
Real Party in Interest.

PETITIONER'S
AFFIDAVIT
OF GOOD FAITH

I, John K, Thompson, being put upon due and solemn affirmation hereby state;

I, John K. Thompson., Petitioner in the entitled petition, hereby state that the Petition for a common-law Writ of Certiorari, submitted herewith, are true and correct to the best of my knowledge, is made and executed by me in good faith, and not for the purpose of delay or any other unjustfied purpose.

I further state under penalty of perjury that the foregoing is true and correct. Executed on April 15th, 2000.

//
//
//
//

FURTHER AFFIANT SAITH NOT.

REPUBLIC OF Oregon)
: Affirmed
County of Washington)

SUBSCRIBED AND AFFIRMED this 15th day of April, 2000. in the County of Washington, in the Republic of Oregon, in the Year of our Lord and Savior Jesus the Christ, Two thousand.

(seal)

/s/John K, Thompson
John K, Thompson
forth Judicial District
12160 SW Grant
Tigard, Oregon
[No ZIP Code!]
(503) 656-7347

We, the undersigned, witness this day that one known to us to be the above signatory did personally appear before us in county of Washington, in the Republic of Oregon, and upon due affirmation execute and affix the above signature and seal hereto.

/s/ Dorothy H, Mead, a Citizen in the Republic of Oregon
Print Name & Address: 9205 SE Clackamas Rd, 22 Rd,

Clackamas, Oregon

/s/ Pamela K, Gaston, a Citizen in the Republic of Oregon

PO Box 132, Mt Angel, Oregon,

/s/ Wilber Russell Gaston, a Citizen in the Republic of Oregon

PO Box 132, Mt Angel, Oregon

In the Supreme Court of the United States
October Term, 1999

In re: Case No.

JOHN K. THOMPSON.,
SANDRA L. HALLSTEAD
Petitioner,

v. PETITIONER'S AFFIDAVIT OF SERVICE

Supreme Court. # SC S47120
PETITIONER'S
Supreme Court for the State of Oregon AFFIDAVIT
Respondent,
UNITED STATES OF AMERICA,
Real Party in Interest.

I, Pamela K, Gaston, the undersigned, upon due affirmation, hereby state that, on behalf of John K. Thompson., and Sandra L. Hallstead the above named Petitioner, I served upon the Clerk of the Supreme Court of the State of the United States, one (1) original of Petitioner's Petition for a common-law Writ of Certiorari, with Appendixes, one (1) Original of Petitioner's Affidavit of Good Faith, and one (1) Original of Petitioner's Affidavit of Service, forty (40) true and correct copies of the aforesaid pleadings, with docketing fee enclosed, by placing all of the aforesaid originals and copies, with enclosed docketing fee in a sealed envelope, first class postage prepaid, certified mail number 0, return receipt requested, with the

United States Postal Service, addressed to:

:On the same day I served a true copy on the following Government Agencies and

PARTIES TO THE PROCEEDINGS by first class postage, and hand delivery.

Office of the Attorney General of the United States
Department of Justice, 10th St. & Constitution Ave. NW
Washington, DC 20530

The Office of the Solicitor General of the United States
Department of Justice, 10th St. & Constitution Ave. NW
Washington, DC 20530

STATE OF OREGON,
represented by acting Governor John Kitzhaber
Capitol Bldg office, Salem, Oregon 97310

STATE OFFICES FOR SERVICES TO CHILDREN AND FAMILIES, represented by Ramona Foley, Administrator
500 Summer Street. Salem, Oregon 97310

Wallace Carson, Oregon Supreme Court Chief Justice
Supreme Court Bldg. 1163 State Street. Salem, Oregon 97310

Hardy Myers, Attorney General, State of Oregon
Justice Department, 1132 Court Street. Salem, Oregon 97310

Michael Reynolds, Solicitor General, State of Oregon
Justice Department, 1132 Court Street, Salem, Oregon

Charles E. Luukenin, Circuit Court Judge, Polk County
Room 301,Polk County Courthouse, Dallas, Oregon 97338
Phone No. (503) 623-9266

William L. Horner, Circuit Court Judge, Polk County
Room 301,Polk County Courthouse, Dallas, Oregon 97338
Phone No. (503) 623-9266

Larry T. Coady, Circuit Court Judge, Polk County
Room 301, Polk County Courthouse, Dallas, Oregon 97338
Phone No. (503) 623-3178

Karen Robinson, State Offices for Services to Children and Families caseworker, Marion County Branch office
2045 Silverton Road, Salem, Oregon 97310-0559
Phone No. (503) 378-6800

Sue Ball, State Offices for Services to Children and Families caseworker, Polk County Branch office,117 SW Oak
Dallas, Oregon 97338 Phone No. (503) 623-8118

Phillip M. Bender, Assistant Attorney General, Bar #97214,
Trial Attorney of Attorneys for Respondents
1162 Court Street NE, Salem, Oregon 97310
Phone No. (503) 378-6313

I further state under penalty of perjury that the foregoing is true and correct. Executed on, April 15th, 2000.

FURTHER AFFIANT SAITH NOT.
REPUBLIC OF OREGON)
:Affirmed
County of Washington)

SUBSCRIBED AND AFFIRMED this 15th Day of April, in the County of Washington, in the Republic of Oregon, in the Year of our Lord and Savior Jesus the Christ, Two Thousand.

SUBSCRIBED AND AFFIRMED this 15th Day of April, in the County of Washington, in the Year of our Lord and Savior Jesus the Christ, TwoThousand.

(Seal)
/s/Pamela K, Gaston,

Servers Name
Pamela K, Gaston,
Address PO Box 132
Mt Angel, Oregon

John K, Thompson **99 Aug 5 AM 8:43**
Sandra L, Hallstead
12160 SW Grant
Tigard, Oregon
(no zip)

IN THE TWELFTH JUDICIAL DISTRICT

CIRCUIT COURT, POLK COUNTY,
STATE OF OREGON

In the matter of: **CASE NO. 99P1407**
John K, Thompson Father/Guardian

Sandra L, Hallstead Mother **ORDER FOR**
Petitioner, **EMERGENCY**
In behalf of, **WRIT OF**
Trevor A. Hallstead Son **HABEAS CORPUS**
Jesse D, Thompson Son

against

Karen Robinson, caseworker
for the State of Oregon,
Service of Children and Family,
Circuit Court for the State of Oregon
Judge Luukinen Juvenile Department,

Polk, County

From the petition of John K, Thompson, Sandra L, Hallstead, for and in behalf of Trevor Hallstead and Jesse

D. Thompson, our minor children. It appears that Trevor

Page 1 ORDER ГOR EMERGENCY WRIT

Hallstead, and Jesse D, Thompson, minor children, are unlawfully restrained of their liberty by the above named Respondent, and is held in the custody of Services to Children and Families, in the County of Polk, (address unknown), in the State of Oregon. This agency is currently under control of said Respondent, and said petition sets out wherein the alleged illegality consists, from which it appears that a WRIT OF HABEAS CORPUS should issue. ,

IT IS, THEREFORE, ORDERED that a Writ of Habeas Corpus, issue out of and under Constitutional Judicial Power and Seal of this Court, directed to the above named Respondent to have the bodies of Trevor Hallstead, and Jesse Thompson before this Circuit Court, in the County of Polk, in the State of Oregon on the 12th day of August in the year of our Lord and Savor, Jesus the Christ, Nineteen hundred and Ninety Nine at 1:30 "clock Pm of the day, together with the time and cause of said restraint of liberty and a written verified return to said Writ with any process, documents or evidence upon which said restraint of liberty of Trevor Hallstead, and Jesse Thompson is alleged to be justified, if any there be, to do and receive what shall then and there be considered concerning said John K, Thompson, Sandra L, Hallstead, Trevor Hallstead, Jesse D, Thompson and the Respondent have then and there said Writ.

Page 2 ORDER FOR EMERGENCY WRIT

Dated 8/4/99 /s/ Louis J. Fasano

Circuit court for Polk Count in
the State of Oregon Judge

(Seal)

THE TWELFTH JUDICIAL DISTRICT
CIRCUIT COURT, POLK COUNTY,
STATE OF OREGON

In the matter CASE NO 99P1407

John K, Thompson Father/guardian

Sandra L, Hallstead Mother WRIT OF
Petitioner EMERGENCY
In behalf of, WRIT OF
Trevor Hallstead Son HABEAS CORPUS
Jesse D, Thompson Son

against

Karen Robinson, caseworker
for the State of Oregon
Service to Children and Families
Circuit Court for the
State of Oregon, Judge Luukinen,
Juvenile Division for Polk County

YOU ARE HERE BY COMMANDED to have the bodies of Trevor Hallstead, and Jesse D, Thompson (minor children). That you removed and detained in Foster care in the County of Polk, in the Sate of Oregon, before this Court, in the County of Polk, in the State of Oregon in the Court Room #301 of the Circuit Court on the 12th day of August in the Year of our Lord and Savior Jesus the

Christ, Nineteen Hundred and Ninety nine, at 1:00 o'clock pm of that day, together with the time and cause of said restraint of liberty and a written verified return to this Writ Appendix II with any process, documents or evidence upon which said restraint of liberty of Trevor Hallstead, and Jesse D. Thompson, (minor children), is alleged to be justified, if any there be, to do and receive what shall then and there be considered concerning said Trevor Hallstead, and Jesse D, Thompson, (minor children), And have you then and there this Writ.

WITNESS THE HONORABLE Louis J, Fasano Judge of the Circuit Court, for the County of Polk, in the State of Oregon, on this 4th day of August, in the Year of our Lord and Savior, Jesus the Christ, Nineteen Hundred and Ninety Nine.

Clerk-Polk County

Circuit Court
(Seal)Certified to be a true

/s/ Donna Anderson Deputy (Seal)

Copy of the original on
file 8-4-99

IN THE CIRCUIT COURT OF
THE STATE OF OREGON
FOR THE COUNTY OF POLK

John K, Thompson, Father/guardian, Case No. 99P1407
Sandra L, Hallstead, Mother
Petitioner
In behalf of
Trevor Hallstead, son,
Jesse D. Thompson, son,
Petitioners,

v

KAREN ROBINSON
Case worker for the
SERVICE TO CHILDREN AND
FAMILY, CIRCUIT COURT FOR
THE STATE OF OREGON, JUVENILE
DIVISION FOR POLK COUNTY,
JUDGE [CHARLES] LUUKINEN,

Respondents.

ORDER &
JUDGMENT
DENYING
EMERGENCY
"HABEAS CORPUS
MONEY JUDGMENT
PURSUANT TO ORCP 70

ORDER & JUDGEMENT DENYING
"EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS"

This matter came before the Court on August 12, 1999 for hearing on Petitioners' "Emergency Petition for Writ of

Habeas Corpus" and Respondents' Motion to Deny "Emergency Petition for Writ of Habeas Corpus." Petitioners John K, Thompson and Sandra L, Hallstead appeared on behalf of themselves and with Dorothy Mead, Respondents Karen Robinson, Service to Children and families, Circuit Court for the State of Oregon, juvenile Department for Polk County and the Honorable Charles Luukinen appeared by and through their attorney, Philip M, Bender, Assistant Attorney General for the State of Oregon.

The Court, having considered the file, the motions, memoranda and materials submitted by all the parties, the arguments of John K, Thompson, Sandra L, Hallstead, Dorothy Mead and Philip M Bender, being fully advised in the matter, and based on the following findings

(1) This Court lacks subject matter jurisdiction over juvenile court matters and

(2) Petitioners have an adequate remedy at law, therefore

IT IS HEREBY ORDERED AND ADJUDGED that Respondents' Motion to Deny "Emergency Petition for Writ of Habeas Corpus" is GRANTED and Petitioners' "Emergency Petition for Writ of Habeas Corpus" is DENIED,

MONEY JUDGMENT PURSUANT TO O.R.C.P. 70 A

Judgment Creditor: Respondents

Judgment Creditor's Attorney Phillip M. Bender

Judgment Debtor:	Assistant Attorney General
Judgment Amount:	385.00
Prejudgment Interest:	None
Post judgment Interest: (9%) per annum	Nine percent Simple interest on judgment a mount of $385.00 from the date judgment is entered until Fully paid

IT IS SO ORDERED AND ADJUDGED this 7 day of Sept, 1999

/s/Larry T. Coady

LARRY T, COADY

Circuit Court Judge

Pro-Tem

Submitted by: Phillip M, Bender

Assistant Attorney General

Of Attorneys for Respondents

TRI 47063 Department of Justice

1162 Court Street NE

Salem, Oregon EXHIBIT 2,

IN THE CIRCUIT COURT OF
THE STATE OF OREGON
FOR THE COUNTY OF POLK

JOHN K, THOMPSON Father/guardian, Case No.
SANDRA L, HALLSTEAD, mother 99P1407
Petitioners JUDGMENT
in behalf,
TREVOR HALLSTEAD, SON,
JESSE D, THOMPSON, SON
Petitioners,

v.

KAREN ROBINSON, case worker
for the State of Oregon,
SERVICE TO CHILDREN
AND FAMILY, CIRCUIT COURT
FOR THE STATE OF OREGON,
JUVENILE DIVISION FOR POLK
COUNTY, JUDGE [CHARLES]
LUUKINEN,
Respondents,

IT IS HEREBY ORDERED AND ADJUDGED theat Petitioners' Action for False Return to a Writ of Habeas Corpus is dismissed.

DATED this 18 day of November, 1999

/s/ William M, Horner,
William M. Horner
Circuit Court Judge

Submitted by
Phillip M. Bender
Assistant Attorney General
Of Attorneys for Respondent

Department of Justice
1162 Court Street NE
Salem, Oregon 97310
(503) 378-6313
PXP/PXB/TR 153452

IN THE SUPREME COURT OF
THE STATE OF OREGON

JOHN K, THOMPSON, Father/Guardian,
SANDRA L, HALLSTEAD, Mother, Polk, County
Petitioners Circuit Court
In behalf of, No. 99P1470
Trevor Hallstead, son,
Jesse D, Thompson, son, ORDER FOR DISMISSAL
Petitioner-Appellants, SC S47120
and
State of Oregon, STATE OFFICE FOR
SERVICE TO CHILDREN AND FAMILIES,
CIRCUIT COURT FOR THE STATE OF
OREGON, JUVENILE
DIVISION FOR POLK, COUNTY,
JUDGE [CHARLES] LUUKINEN,
WILLIAM M. HORNER, Circuit Court
Judge for Polk County, and PHILLIP
M, BENDER,
Respondents-Respondents,

Upon consideration by the court.

Appellants' notice of appeal is dismissed on the grounds that:

(1) appellants filed their notice of appeal untimely under ORS 19.255 in that they filed their notice of appeal more than 30 days after the date of entry of the judgment in the trial court register; (2) the Supreme Court does not have

jurisdiction of appeals from circuit court int hat: (a) this court recognizes the validity of the Oregon Constitution , Article VII (amended); (b) pursuant to Article VII (amended), the legislature properly adopted ORS 2.516 and that statute confers jurisdiction on the Court of Appeals of appeals from circuit court.

Appellants' motion to stay the trial court proceedings pending disposition of this appeal is denied as moot.

DATED this 19th day of January, 2000

/s/ can not read
WALLACE CARSON, JR.
Chief Justice

c: John K, Thompson Sandra L, Hallstead
Phillip m. Bender Michael D. Reynolds

DESIGNATION OF PREVAILING PARTY AND AWARD OF COSTS

Prevailing party: Respondents [x] No costs allowed

011800 sc.pll